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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 266.

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

MOTION

For Leave to File a Petition for Rehearing of Order Denying Petition for Certiorari.

PETITION

For Rehearing of Order Denying Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 266.

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

MOTION FOR LEAVE TO FILE A PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully move for leave to file the annexed Petition for Rehearing of the order of this Court denying the Petition for Writ of Certiorari in this case, entered on October 13, 1959. Rehearing is sought at this time because this Court granted a Writ of Certiorari in *Communication*

Workers of America v. National Labor Relations Board, Case No. 418, on November 16, 1959, a case presenting a similar issue.

Although this Petition for Rehearing is filed after the expiration of the time prescribed in Rule 58, the grounds upon which it is based arose after such time; and this Court has the power in its discretion to entertain the Petition. *United States of America v. Ohio Power Co.*, 353 U. S. 98.

David Leo Helmen
Counsel for Petitioners.

June 30, 1959

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 266.

CENTRAL STATES DRIVERS COUNCIL; and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, OVER-THE-ROAD AND CITY TRANSFER DRIVERS, HELPERS, DOCKMEN AND WAREHOUSEMEN, LOCAL NO. 147,
Petitioners,

vs.

NATIONAL LABOR RELATIONS BOARD,
Respondent.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Petitioners pray that this Court grant Rehearing of its Order of October 13, 1959, denying the Petition for Certiorari ... U. S. ..., and that a Writ of Certiorari issue to review the judgment of the Court of Appeals for the District of Columbia entered in the above entitled action as prayed for in the Petition filed the 31st day of July, 1959, herein.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT.

1. Subsequent to the denial of the Petition for Certiorari in the case at bar, this Court granted the Petition filed in *Communication Workers of America v. National Labor Relations Board*, Case No. 418. In that case, as in the case at bar, the petitioners seek review of an order of the National Labor Relations Board ordering petitioners to cease and desist from engaging in certain unfair labor practices, not only with reference to the particular employer involved in that proceeding but also with reference to "any other employer." The propriety of this type of order was the first issue raised in the original Petition in the case at bar (pages 5-7).

2. A Petition for Certiorari is currently pending before this Court involving the identical issue presented in the case at bar. *National Labor Relations Board v. Local 135, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America*, Case No. 480, October 16, 1959.

CONCLUSION.

For the reasons set forth above it is respectfully urged that Rehearing be granted and that upon such Rehearing a Writ of Certiorari issue to the Court of Appeals for the District of Columbia.

Respectfully submitted,

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Certificate of Counsel.

I hereby certify that the foregoing Petition for Rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the Rules of the Court.

H. Leonard Boudin
Counsel for Petitioners

June 30, 1958